

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

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Date Declassify on Reason

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Mar 9, 1976

AmEmbassy BUENOS AIRES

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Human Rights: The Argentine Situation

E.O. 11652: GDS

State 045319

Following answers are keyed to Paragraph 12 reftel:

A) Argentine constitution of 1853 is in effect. This constitution is closely patterned after the US Constitution and provides most of the legal guarantees as does ours. Major exception is "State of Siege" provision, which gives federal government power to temporarily suspend habeas corpus and to move accused persons from place to place within the country without their consent. State of Siege also allows government to offer prisoners option of choosing exile rather than standing trial. State of Siege does not, however, repeat not suspend due process clauses and in theory arrested persons still allowed right to trial, representation by counsel of their choice, etc. In view of subversive situation, an anti-subversive law passed in 1975 gave federal government power to rule that newspapers were acting to further subversive cause, thus allowing government to either suspend or close them.

B) Actual practices of current government with respect to human rights a most confusing one. With regard to the great majority of cases, constitutional provisions are applied. With respect to terrorists, however, there is strong evidence to support thesis that human rights violations do indeed occur. During the past three years over 2,000 Argentines have died as a result of political violence. By far largest number of these deaths were caused by left and right-wing terrorists. The left-wing terrorists in particular made police, army officers and other government officials one of their major targets. Right-wing terrorists, on the other hand, have directed their fire against leftist students, union officials, congressmen and persons sympathetic to leftist causes in general. On government side,

AMB  
POL-3  
POL/R  
ECOM  
USIS  
USDAO  
MILGP-2  
LEGAT  
SCIAT  
RF  
CHRON

POL:FJZambito:mg

POL:WSSmith

AMB:RCHill

A/DCM:HWoodward

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there is evidence to indicate that faced with large-scale subversive violence, police and army officials have on occasion resorted to extralegal killings, arrests and incarceration for long periods of time and torture of suspected terrorists. While there is no evidence to indicate that these acts are carried out under "official" government policy, there have been no cases where police officials or army officers have been brought to trial for abusing prisoners. With regard to free speech, the federal government has in the past three years closed down almost a score of publications on the extreme left and right of the political spectrum. On the right, the publications were charged with fostering virulent anti-Semitism or inciting violence, in some cases publishing threats against the lives of specific individuals. On the left, publications have been closed because it was believed that their source of funds was proceeds of political kidnappings or were publishing prosubversive literature. Despite this, however, the great bulk of the press has been free to express its views and in the past 18 months the government has been subjected to harsh and critical examination by its press critics.

C) As noted in A above, question of government involvement in violations of human rights difficult to assess. Clearly some high-ranking army and police officials have condoned these practices, although no evidence to indicate that policy-level officials, i.e., undersecretary and cabinet-level officials, have ordered these acts as official policy. Exception to this generalization would be former Social Welfare Minister Jose Lopez Rega, who is charged with having organized the right-wing terrorist group, the Triple A, using government funds. However, from recent revelations it appears that even this once very powerful minister set up his apparatus in secret with pilfered government funds and kept his cabinet colleagues in the dark as to his activities.

D) Amnesty International has recently compiled a list of lawyers it claims have been detained for defending persons charged with political crimes. In many cases this charge is doubtless true and lawyers who were fulfilling their professional obligations have found themselves afoul of the law. There is also, however, evidence to suggest that in some cases the defense attorneys themselves were the "above ground" arm of the terrorist apparatus.

E) Embassy officials have from time to time discussed with Argentine officials their concern that human rights violations could be a complicating factor in our bilateral relations but have never made a formal demarche on the subject as Argentines feel their legal practices are an internal political matter.

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